



T&E COMTE: 04-04-11 ITEM: (C)(1)
City Council: 04-19-11

Memorandum

**TO: TRANSPORTATION AND
ENVIRONMENT COMMITTEE**

FROM: Betsy Shotwell
Roxanne Miller

**SUBJECT: REPORT ON KEY
LEGISLATIVE ITEMS**

DATE: March 21, 2011

Approved

Date

3/25/11

RECOMMENDATION

Accept the staff memorandum dated March 16, 2011, concerning pending Federal and State legislation in the transportation, aviation, environmental, and utilities City Service Areas.

BACKGROUND

Included in the Transportation and Environment Committee work plan for 2011 is the request for a legislative update to be brought forward to the Committee by the City Manager's Office of Intergovernmental Relations.

ANALYSIS

The following is a brief update of legislative matters concerning transportation and the environment.

FEDERAL:

Aviation

Increase in Passenger Facility Charges and the Airport Improvement Program – As a part of the FAA Reauthorization Bill, an increase in the current Passenger Facility Charge ceiling of \$4.50 per enplaned passenger continues to be the Airport's highest federal legislative priority. PFCs are a non-federal charge, levied locally, that provides airports the ability to generate local revenue to fund local infrastructure priorities. They can also be used to pay down debt for approved projects. The Airport has no more capacity to raise CFC funding against its \$4.50 ceiling. To obtain more CFC capacity to fund projects or pay down debt for previous projects, the ceiling must be raised.

Transportation and Environment Committee

Re: Report on Key Legislative Items

March 21, 2011

Page 2 of 11

The current FAA Reauthorization legislation has been extended *seventeen* times since 2007 as one Congressional chamber or the other – primarily the Senate – has been unable to pass its version of the bill. (The 112th Congress now has until March 31 to pass comprehensive reauthorization legislation or, more likely, seek an eighteenth short-term extension.) Until the new Congress came into the current session, the House had consistently supported increasing the PFC ceiling from the current \$4.50 to \$7.00 per enplaned passenger while the Senate has remained silent on the issue, effectively supporting the current \$4.50 ceiling. By the end of the last session, though both chambers had passed FAA legislation, the higher priorities of a very busy legislative agenda did not allow both chambers the opportunity to conference to discuss their differences and the current reauthorization legislation (passed in 2003) was again extended.

With the change of majority parties in the House in January, there has been a change in position in the House on supporting an increase of the PFC ceiling. In February the House Transportation and Infrastructure Committee passed a FAA Reauthorization Bill that maintained the current \$4.50 PFC ceiling cap – a change from the previous House position of support for a \$7.00 PFC ceiling. As of this writing, that legislation had not yet come to the House floor for a vote. In the meantime, in February the full Senate passed a FAA Reauthorization Bill. That bill, like the Senate bill that passed in 2010, also contained no provision for increasing the PFC ceiling. President Obama's FY12 budget calls for an increase of the PFC ceiling to \$7.00 for large and medium airports in exchange for a significant reduction in Airport Improvement Program funding (the other federal funding priority for the Airport) for those same airports. Thus at this time neither chamber is supportive of a higher PFC ceiling though the President's budget contains a provision for a higher PFC.

How much the PFC ceiling is raised is important. At the Airport's current level of enplanements, a \$1 increase in the current ceiling to a \$5.50 PFC ceiling would mean *an additional* \$3.7 million in PFC revenue a year while an increase to a \$7.00 PFC ceiling would mean *an additional* \$9.4 million a year in PFC revenue. The benefit of additional PFC revenue for the Airport is also significant. Any increase in PFC revenues will allow the City to more rapidly pay down outstanding bonded debt for past safety, security and capacity projects and reduces the cost per enplanement (CPE) for the airlines. Every \$4 million of cost reduction reduces the CPE by \$1.

Maintaining or Increasing Airport Improvement Program Funding – Another major source of funding in the FAA Reauthorization Bill of importance to Airport infrastructure projects is Airport Improvement Program (AIP) funding. These are grants from the FAA to build infrastructure projects that support the development of federal priorities for the nation air transportation system. Examples of AIP funded projects include the construction of runways, taxiways, aprons and security and safety projects. The FAA funds 80% of the cost of the project and the receiving airport funds the remaining 20%. It should be noted that one impact of the seventeen extensions of the current reauthorization legislation has been to add administrative and projects costs to local projects because of the need to issue multiple grants to the same project in the same fiscal year.

At the Airport, AIP has been the source of funds for the Taxiway W project, which will be a new general aviation taxiway as part of the economic development of the west side of the Airport.

Transportation and Environment Committee

Re: Report on Key Legislative Items

March 21, 2011

Page 3 of 11

Currently, AIP has been funded at \$3.5 billion. However, since January there have been various proposed funding levels for the remainder of the current fiscal year and future years under new FAA reauthorization legislation, including:

1. The House Appropriations Committee passage of a spending plan that maintains AIP funding at the current \$3.5 billion funding level;
2. The four-year FAA Reauthorization Bill passed by House Transportation and Infrastructure Committee proposes reducing current year AIP funding to \$3.176 billion for the remainder of this year and reducing funding for FY 12-14 to \$3 billion a year;
3. The two-year FAA Reauthorization Bill pass by the Senate in February increases AIP to \$4 billion for the remainder of FY 10-11 and to \$4.1 billion in FY 11-12; and
4. The President's FY11-12 budget proposes to reduce AIP funding to \$2.4 billion while increasing the PFC ceiling to \$7.00. There are reports that some members of the House plan to propose the \$2.4 billion level without a PFC ceiling increase when the House FAA Reauthorization Bill comes to the full floor of the House.

In September 2010, the City received an award of \$2.25 million in new funding in FAA AIP funds to complete the design of the Taxiway W project. There are five phases to the Taxiway W project. The first phase, which addresses safety movements of general aviation aircraft to reduce the possibility of accidents, has been completed. The second phase, which is mostly about the new general aviation taxiway as part of the economic development of the west side of the Airport, will be completed by the end of March. The remaining three phases of the project would complete the remainder of the new general aviation taxiway.

The Airport has a direct and strong interest in the AIP funding level. The FAA has committed \$11.2 million in AIP funding for Phase 3 of the project. However, given the various proposed funding levels for AIP from the House, the Senate and the Administration for the remainder of the federal fiscal year and beyond, there is now uncertainty about the level of AIP funding the Taxiway W project will receive. To the extent the City does not receive the full \$11.2 million pledged by the FAA, the Airport will have to make up the difference or defer completion of the project. Because the Airport does not have the funds to make up the difference, the project would have to be deferred.

The Airport has continued to work individually and in concert with other airports and airport trade organizations to encourage the adoption of FAA reauthorization legislation in both houses of Congress that contains a higher PFC ceiling *and* increases or at least maintains the current level of AIP funding. Individual efforts have included letters from the Mayor, working through Patton Boggs, to communicate City airport legislative priorities to San José's legislative representatives in both the House and the Senate. Joint efforts have included working in with the California Airports Council to communicate with all members of the California delegation and participating in

nationwide calls to action guided by the American Association of Airport Executives (AAAE) and the Airports Council International of North America (ACI-NA). These efforts will continue.

Transportation

Federal Transportation Reauthorization

The Safe, Accountable, Efficient Transportation Equity Act – A Legacy For Users (SAFETEA-LU), the federal transportation bill, was originally scheduled to expire on September 30, 2009. Congress has passed a series of extensions that have continued funding for federal transportation programs. Including the recently House and Senate approved H.R. 662, the Surface Transportation Extension Act of 2011, which extended SAFETEA-LU through September 30, 2011. The bill also authorized spending for all federal surface transportation programs at FY 2010 levels. This was the first time that Congress had approved an extension for SAFETEA-LU as a stand alone bill as opposed to past actions that were combined with other bills.

Environment

Greenhouse Gases

When the Senate reconvened after the November midterm elections, Majority Leader Harry Reid had already abandoned efforts to move climate change legislation through the Senate. Instead, he planned to hold a vote on bipartisan legislation to promote natural gas and electric vehicles. But when Senator Orrin Hatch (R-UT) removed his support for the bill because he was concerned that the pay-for to increase the Oil Spill Liability Trust Fund industry financing rate would raise consumer energy prices, it was left with no bipartisan support. Reid then canceled the vote and efforts to broker a deal with Senate Republicans on even this narrowed energy-related bill by year end vanished.

With Republicans controlling the House and having gained seats in the Senate, we anticipate that the 112th Congress will take a more targeted approach in addressing outstanding energy issues. The City's lobbyist firm of Patton Boggs does not expect to see a single, economy-wide climate change bill anything like the "Waxman-Markey" bill that passed the House in the last Congress or the various versions that emerged later in the Senate. As part of the "Pledge for America" put forward by House Republicans, they indicated that they would "oppose attempts to impose a national 'cap and trade' energy tax". But Republican control of the House doesn't mean Congress can't or won't legislate using some version of it or another structure using "carbon intensity" targets.

In the interim, the House will move forward on efforts to reduce or eliminate the U.S. Environmental Protection Agency's ability to regulate greenhouse gas emissions. Indeed, on March 15, the House Energy and Commerce Committee favorably reported a bill (H.R. 910) that would prevent the EPA from regulating greenhouse gas emissions, including carbon dioxide. Patton Boggs anticipates that the House will vote in favor of the legislation in coming weeks. However, Patton Boggs also anticipates that the legislation will be meet opposition in the Democrat-controlled Senate and from the White House. Given that opposition, the legislation is not expected to become

Transportation and Environment Committee

Re: Report on Key Legislative Items

March 21, 2011

Page 5 of 11

law. Patton Boggs anticipates that pressure will inevitably grow to address most issues in a single bill, where regional and policy tradeoffs will be easier to accomplish. Many utilities in particular are seeking certainty about what the future holds. Patton Boggs believes that the President can achieve much of his renewable energy agenda, in lieu of comprehensive climate change legislation abandoned late last year, but only if he reaches out to the new Republican House majority and works with moderates in the Senate.

PENDING STATE LEGISLATION

The 2011-12 State Legislative Session convened in Sacramento on December 6, 2010, and the deadline for bills to be introduced in the State Legislature was February 18, 2011. So far during the first year of this legislative session, a total of 2,398 bills and constitutional amendments have been introduced and no bills have been signed or vetoed by the Governor. The Legislature is currently holding legislative and budget committee hearings and is scheduled to break for Spring Recess from April 14-24, 2011. The next major bill deadline in the Legislature is May 6, which is the last day for policy committees to meet and report fiscal bills to the Appropriations Committee of the Assembly or Senate, followed by a May 27 deadline for all bills to pass to the Assembly or Senate Floor. This year, the Legislature will continue to hear bills and pass them to the Governor by September 9, when the Interim Study Recess will begin. The Legislature will reconvene the second year of the 2011-12 Session on January 4, 2012.

The following is a list of bills introduced in 2011 in the Transportation and Environment City Service Areas and includes both bills San José has taken a position on, as well as a partial list of bills of particular interest to the City. All legislation is continually reviewed by IGR and other City departments for new amendments, and significant bills will be brought forward to the Rules Committee and the City Council for consideration and adoption of City positions.

Environmental and Utilities Bills:

AB 298 (Brownley) – Recycling: Reusable Bags.

Prohibits a manufacturer from selling or distributing a reusable bag in this state, if the bag is designed or intended to be sold or distributed to a store's customers, unless the reusable bag meets certain conditions regarding the cleaning and disinfection of the bag and the material of which the bag is composed. (Fiscal)

Status: Assembly Committee on Natural Resources – hearing 3/21/11. **Amended:** N/A.

AB 317 (Calderon) – Energy: Master-Meter Customers.

Provides that rebates from gas and electrical corporations do not include ratepayer funded incentives received by the master-meter customer as a result of investments in energy generation or efficiency, including the self-generation incentive program, the California Solar Initiative and the Solar Water Heating and Efficiency Act of 2007. (Nonfiscal)

Status: Assembly Committee on Utilities & Commerce – no hearing date. **Amended:** N/A.

AB 341 (Chesbro) – Solid Waste: Diversion.

Requires the Department of Resources Recycling and Recovery to ensure that 75% of all solid waste generated is source reduced, recycled or composted by a specified date. Requires a city, county, city and county, or regional agency to update all information required to be included in the nondisposal facility element. Requires a business that contracts for solid waste services and generates a specified total of solid waste and recyclable material to take specified actions. (Fiscal)

Status: Assembly Committee on Natural Resources – no hearing date. **Amended:** N/A.

AB 359 (Huffman) – Groundwater Management Plans.

Requires a local groundwater management agency to provide a copy of a resolution of intention to the Department of Water Resources. Requires the local agency to provide a copy of the proposed groundwater management plan to an interested person. Specifies that groundwater projects shall include projects that are part of an integrated water management program. (Fiscal)

Status: Assembly Committee on Water, Parks & Wildlife – hearing 3/22/11. **Amended:** N/A.

AB 403 (Campos) – Public Drinking Water Standards: Hexavalent Chromium.

Requires the Department of Public Health to establish a primary drinking water standard for hexavalent chromium on or before a specified date. Provides that if a standard is not adopted by that date, the public health goal set by the Office of Environmental Health Hazard Assessment shall be the applicable standard. (Fiscal)

Status: Assembly Committee on Environmental Safety – no hearing date. **Amended:** N/A.

AB 512 (Gordon) – Local Government Renewable Energy Self-Generation.

Amends existing law authorizing a local government to receive a bill credit for electricity exported to the electrical grid by an eligible renewable generating facility. Expands the definition of an eligible renewable generating facility to include a facility that has a generating capacity of no more than five megawatts. (Fiscal)

Status: Assembly Committee on Utilities & Commerce – hearing 4/4/11. **Amended:** N/A.

AB 644 (Blumenfield) – Energy: Renewable Energy Facility: Siting.

Requires the State Energy Resources Conservation and Development Commission, in consultation with the Department of Resources Recycling and Recovery, the Department of Toxic Substances Control, and the Department of Conservation, to establish criteria for identifying land with a high potential for use as a site of a renewable energy generation facility with a generation capacity of less than 50 megawatts in three specific types of parcels and to prepare a list identifying lands meeting the criteria. (Fiscal)

Status: Assembly Committee on Natural Resources – no hearing date. **Amended:** N/A.

AB 662 (Hueso) – Stormwater.

Makes several, technical, nonsubstantive changes to require the State Water Resources Control Board to develop minimum monitoring requirements for each municipality that is required to obtain a stormwater permit, and a minimum standard monitoring requirement for industries that are required to obtain a stormwater permit. (Nonfiscal)

Status: Pending referral to Assembly policy committee.

Amended: N/A.

AB 864 (Huffman) – Electricity: Net Energy Metering.

Requires that the standard contract or tariff for net energy metering be offered on a first-come-first-served basis until the time that the total rated generating capacity used by eligible customer-generators exceeds 6% of the electric utility's aggregate customer peak demand, and reserves 1% of this limit for large commercial or industrial customer-generators. (Fiscal)

Status: Assembly Committee on Utilities & Commerce – hearing 4/4/11. **Amended:** N/A.

SB 419 (Simitian) – Solid Waste: Home-Generated Sharps.

Amends existing law that requires a pharmaceutical manufacturer selling or distributing medication that is intended to be self-injected at home to submit to the Department of Resources Recycling and Recovery a plan supporting the safe collection and proper disposal of specified waste devices.

Requires the plan to be submitted in an electronic format. Requires the manufacturer to post and maintain a copy of that plan in a readily accessible location on its Internet website. (Fiscal)

Status: Senate Committee on Environmental Quality – hearing 3/21/11. **Amended:** N/A.

SB 489 (Wolk) – Electricity: Net Energy Metering.

Revises the definition of an eligible customer-generator to require that a generating facility be an eligible renewable energy resource and that it have a generating capacity of not more than 1.5 megawatts. Repeals a pilot program to provide energy net metering for eligible biogas digester customer-generators. (Fiscal)

Status: Senate Committee on Energy, Utilities & Communications – hearing 4/28/11.

Amended: N/A.

SB 515 (Corbett) – Recycling: Stewardship: Batteries: Waste Management.

Requires a producer of the household battery stewardship organization created by one or more producers of a household battery to submit a household battery stewardship plan to the Department of Resources Recycling and Recovery. Allows a registered hazardous waste transporter to elect to submit a plan on behalf of one or more producers. Requires the transporter to comply with provisions applicable to battery stewardship organization. Prohibits selling a battery unless the plan for that battery is complete. (Fiscal)

Status: Senate Committee on Environmental Quality – no hearing date. **Amended:** N/A.

SB 568 (Lowenthal) – Recycling: Polystyrene Food Containers.

Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or container. The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state to generally meet one of specified criteria. This bill would prohibit a food vendor, on and after January 1, 2013, from dispensing prepared food to a customer in a polystyrene foam food container and would define related terms. (Nonfiscal)

Status: Senate Committee on Environmental Quality – no hearing date. **Amended:** N/A.

SB 843 (Wolk) – Local Government Renewable Energy Program.

Amends existing law that states the local government renewable energy self-generation program authorizes a local government to receive a bill credit to be applied to a designated benefiting account for electricity exported to the electrical grid by an eligible renewable generating facility. Authorizes the local government or campus to designate the benefiting account. Relates to a time-of-use rate schedule, a single bundled rate or fixed rates, and different tiers of usage. (Fiscal)

Status: Senate Committee on Energy, Utilities & Communications – no hearing date.

Amended: N/A.

SB 881 (Corbett) – Bottled Water.

State the intent of the Legislature to enact legislation that would revise the standards for bottled water labeling to provide the appropriate amount of information to ensure that consumers have access to essential water quality information. (Nonfiscal)

Status: Pending referral to Senate policy committee.

Amended: N/A.

SBx1 1 (Steinberg) – Partnership Academies: Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Program.

Similar to SB 675 (Steinberg), vetoed by the Governor in 2010. Establishes an annual \$8 million dedicated funding stream to invest in career technical education that delivers skills and knowledge needed for successful employment in clean technology, renewable energy or energy efficiency. (Fiscal)

Status: Assembly Floor 3rd Reading.

Amended: 3/10/11.

SBx1 2 (Simitian) – Energy: Renewable Energy Resources.

Similar to SB 14 and SB 722 (Simitian), vetoed by Governor and failed passage, respectively, in 2010. Increases California's renewables portfolio standard to require all retail sellers of electricity and all publicly owned utilities to procure at least 33% of electricity delivered to their retail customers from renewable resources by 2020. (Fiscal)

Status: Assembly Floor 3rd Reading.

Amended: N/A.

Transportation, Vehicles and Airport Bills:

AB 31 (Beall) – Land Use: High-Speed Rail: Local Master Plan.

Establishes the High-Speed Rail Local Master Plan Pilot Program to authorize specified cities and counties to adopt, by ordinance, a master plan for development surrounding the high-speed rail system. Authorizes the plan to include specified incentives while reducing greenhouse gas emissions. (Fiscal)

Status: Assembly Committee on Local Government – no hearing date. **Amended:** N/A.

AB 57 (Beall) – Metropolitan Transportation Commission Reapportionment.

Increases the number of members on the Metropolitan Transportation Commission from 19 to 21. The counties receiving an extra seat are appointed by the Mayor of the City of Oakland and the Mayor of San José, adding an extra seat for Alameda and Santa Clara Counties. This bill would also limit Santa Clara County and Alameda County to no more than three seats each. (Fiscal)

Status: Passed the Assembly Committee on Transportation on 3/21/11 and will be heard next in the Assembly Local Government Committee. **City Position:** Support **Amended:** 2/2/11.

AB 66 (Chesbro) – Taxation: Vehicle License Fees.

Identical to ABx1 9 (Chesbro). Repeals existing law that imposes an additional tax until June 30, 2011, equal to 0.15% of the market value of specified vehicles, as determined by the Department of Motor Vehicles, to the vehicle license fee, to be deposited in the General Fund and transferred to the Local Safety and Protection Account, a continuously appropriated fund. (Fiscal, Urgency)

Status: Assembly Committee on Revenue & Taxation – no hearing date. **Amended:** 2/16/11.

AB 81 (Beall) – Sales and Use Taxes: Exemptions: Fuel and Petroleum Products: Air Common Carriers.

Exempts from the Sales and Use Tax Law gross receipts in excess of a specified amount per gallon derived from the sale in the state, and the storage, use or other consumption of, fuel and petroleum products sold to or purchased by an air common carrier for consumption or shipment in the conduct of business on a domestic flight. Requires the State Board of Equalization to report to the Legislature setting forth the state fiscal impact of the exemption. (Fiscal)

Status: Assembly Committee on Revenue & Taxation – hearing 4/4/11. **Amended:** 2/16/11.

AB 485 (Ma) – Local Planning: Transit Village Development Districts.

Requires a city or county that uses infrastructure financing district bonds to finance its transit village development district to use at least 20% of the revenue from those bonds for the purposes of increasing, improving and preserving the supply of lower and moderate-income housing and rental units. (Nonfiscal)

Status: Assembly Committee on Local Government – hearing 4/6/11. **Amended:** N/A.

AB 551 (Campos) – Public Contracts: Prevailing Wage Requirements.

Amends existing law that requires a contractor or subcontractor to submit, to the state or political subdivision on whose behalf a public work is being performed, a penalty for violations of prevailing wage provisions. Increases the maximum penalty. Provides an increase in the period of contract ineligibility for a public works contractor or subcontractor that has been found to have committed willful prevailing wage violations. Relates to disbarment for failing to produce payroll records in a timely basis. (Fiscal)

Status: Assembly Committee on Labor & Employment – no hearing date. **Amended:** N/A.

AB 1008 (Cook) – Vehicles: Automated Traffic Enforcement Systems.

Prohibits a local governmental agency from installing an automated traffic enforcement system. Authorizes a local governmental agency that is operating an automatic traffic enforcement system to continue to do so only if the agency conducts a certain traffic safety study at each intersection where a system is in use. (Fiscal)

Status: Assembly Committee on Local Government – hearing 4/13/11. **Amended:** N/A.

AB 1105 (Gordon) – High-Occupancy Toll Lanes.

Current law authorizes the Santa Clara Valley Transportation Authority (VTA) to conduct, administer and operate a value pricing high-occupancy toll (HOT) lane program on two corridors included in the HOT system in Santa Clara County. This bill provides that one or both of the corridors selected may be a corridor that extends into an adjacent county, subject to agreement of

Transportation and Environment Committee

Re: Report on Key Legislative Items

March 21, 2011

Page 10 of 11

the congestion management agency or countywide agency responsible for preparation of the county transportation plan in that county. The bill also requires the remaining revenues generated by a HOT lane corridor that extends into an adjacent county to be shared for eligible purposes by the two counties pursuant to an agreement between VTA and the applicable agency in the adjacent county. (Fiscal)

Status: Pending referral to Assembly policy committee.

Amended: N/A.

ABx1 9 (Chesbro) – Taxation: Vehicle License Fees.

Identical to AB 66 (Chesbro). Repeals existing law that imposes an additional tax until June 30, 2011, equal to 0.15% of the market value of specified vehicles, as determined by the Department of Motor Vehicles, to the vehicle license fee, to be deposited in the General Fund and transferred to the Local Safety and Protection Account, a continuously appropriated fund. (Fiscal)

Status: Pending referral to Assembly Committee.

Amended: N/A.

ACA 4 (Blumenfield) – Local Government Financing: Voter Approval.

Proposes an amendment to the Constitution to create an additional exception to the 1% limit for a tax rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district. (Nonfiscal)

Status: Pending referral to Assembly policy committee.

Amended: N/A.

SB 29 (Simitian) – Vehicles: Automated Traffic Enforcement Systems.

Relates to existing provisions authorizing the limit line, intersection or other places where a driver is required to stop to be equipped with an automated enforcement system. Requires the agency that operates such a system to develop uniform guidelines for specified purposes. Prohibits a governmental agency from considering revenue generation as a factor when considering installation of such devices. Relates to notice to appear procedures in connection with alleged violations. (Fiscal)

Status: Senate Committee on Transportation & Housing – hearing 3/29. **Amended:** N/A.

SB 209 (Corbett) – Common Interest Developments: Electric Vehicle Charging.

Provides that any covenant contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of an interest in a common interest development that prohibits or restricts the installation or use of an electrical vehicle charging station is void and unenforceable. Authorizes an association to impose reasonable restrictions on those stations. Imposes requirements with respect to an association's approval process for those stations. (Nonfiscal)

Status: Senate Committee on Transportation & Housing – hearing 3/29. **Amended:** N/A.

SB 214 (Wolk) – Infrastructure Financing Districts: Voter Approval.

Eliminates the requirement of voter approval to issue bonds to finance infrastructure facilities and authorizes the legislative body to create an infrastructure financing district, adopt a financing plan, and issue the bonds by resolutions. Specifies that the date on which the district would cease to exist would not be more than 40 years from the date on which the legislative body adopted the resolution adopting the infrastructure financing plan. (Nonfiscal)

Status: Senate Committee on Environmental Quality – hearing 3/21. **Amended:** N/A.

PUBLIC OUTREACH

- ☐ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting.)**
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting.)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers.)**

This document will be posted on the City's website for the April 4, 2011, Transportation and Environment Committee, where the Council and the public have the opportunity to comment.

EVALUATION AND FOLLOW-UP

The City Council will be informed as to the status of these measures as part of the regular Intergovernmental Relations legislative updates.

COORDINATION

This memo was coordinated with Aviation, the Environmental Services Department, the Department of Transportation, the City Attorney's Office, the City's Legislative Representative in Sacramento, and the City's Federal lobbyist firm of Patton Boggs, LLP.

POLICY ALIGNMENT

The measures and critical funding issues identified in the memorandum are based on the City of San José's 2011 Legislative Guiding Principles, Priorities and Advocacy Issues adopted by the City Council on December 14, 2010.



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